

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - W/S Beaver Dam Road,
182'N of the c/l Beaver Court * DEPUTY ZONING COMMISSIONER
(10604 Beaver Dam Road)
8th Election District * OF BALTIMORE COUNTY
4th Councilmanic District * Case No. 97-359-XA
Frederick L. Matusky, et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance for that property known as 10604 Beaver Dam Road, located in the vicinity of Warren Road in Cockeysville. The Petitions were filed by the owners of the property, Frederick L. and Patricia A. Matusky, through their attorney, Edward C. Covahey, Jr., Esquire. The Petitioners seek a special exception to erect and maintain two (2), 14' x 48' outdoor advertising signs in a "V" configuration on the subject property, zoned M.L.-I.M., pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners seek variance relief from the B.C.Z.R. as follows: From Section 413.3.A to permit two (2) outdoor advertising signs, configured at approximate right angles, with a total surface area of 672 sq.ft. per sign in lieu of the maximum permitted 300 sq.ft.; from Section 413.3.B to permit two outdoor advertising signs to front on, face, or be located within 2 feet of the right-of-way line on a controlled-access-type highway (Warren Road) in lieu of the required setback of 250 feet; and from Section 413.3.G to permit two outdoor advertising signs to be located approximately 630 feet in lieu of the required 1,000 feet from another approved, but yet un-built advertising sign located on the same side of the street for address purposes, but on an intersecting street for view and sight purposes. The

ORDER RECEIVED
Date 5/14/97
By [Signature]

subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Frederick L. Matusky, owner of the property, William P. Monk, Land Use Planning and Zoning Consultant, and Anthony J. DiPaula, Esquire, who appeared on behalf of Mr. Covahey as attorney for the Petitioners. Appearing as Protestants in the matter were Jeffrey Long, a representative of the Office of Planning, and Caren Shillman, a representative of Councilman McIntire's office. There were no residents from the surrounding community or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of .803 acres, more or less, zoned M.L.-I.M. and is improved with a one-story combination office/warehouse building and accessory storage yard. The property is located on the southwest corner of the intersection of Beaver Dam Road and Warren Road Extended, immediately adjacent to the Cockeysville Industrial Park, the Maryland Light Rail and the Baltimore County Texas Landfill operation. The Petitioners wish to erect two (2), 14' x 48' outdoor advertising signs, configured in a "V" pattern, in the southernmost corner of their property as shown on Petitioner's Exhibit 1. The signs would be located adjacent to the Light Rail Line, which was recently extended to the Hunt Valley area, and oriented in both an easterly and westerly direction towards Warren Road.

On behalf of the Petitioners, Mr. Monk provided a very thorough and extensive presentation of the testimony and evidence in this case. Mr. Monk testified as to the operation on the subject site and surrounding uses in the area. Mr. Monk stated that there are no residential houses in

the area and that the site in question is primarily industrial, with the Genstar operation located further to the south of the property and the Baltimore County Landfill located nearby, just past Warren Road Extended. Mr. Monk testified that the signs should be 14' x 48' each, given the distance they are situated from Warren Road Extended. Mr. Monk believes that the signs should be large enough for passing motorists on Warren Road to read the advertisements contained thereon. He indicated that these signs are designed primarily to provide information to motorists using Warren Road. Therefore, not only is a special exception necessary for the proposed signs, but variances are necessary to allow the size of the signs proposed.

Appearing in staunch opposition to the relief requested was Mr. Jeffrey Long, a representative of the Office of Planning. Also appearing in opposition to the request was Ms. Caren Shillman, a representative of Councilman McIntire's office, whose district these two billboards are proposed to be located.

Mr. Long testified that this particular site is located within the Hunt Valley/Timonium redevelopment study area and that the Office of Planning is opposed to the location of these signs, given its close proximity to the Light Rail Line (just 2 feet away), the size, scope and magnitude of the signs in question, and the fact that the signs will be located 630 feet from an already approved billboard sign, which has not yet been erected. Mr. Long believes that the signs will be a distraction to motorists using Warren Road and will detract from the corporate character of the Cockeysville Industrial Park. The Office of Planning prepared and submitted several colorized renderings of what they perceive these signs

will look like once constructed. However, Mr. Long admitted that the accuracy of these renderings was questionable and somewhat misleading.

After considering all of the testimony and evidence offered, both in support of and in opposition to the relief requested, I am persuaded to deny the Petitions for Special Exception and Variance. The Petitioners' proposal greatly exceeds the size requirements imposed upon outdoor advertising signs, in essence more than doubling that which is permitted. Furthermore, the Petitioners seek variance relief for the proposed signs, due to the site constraints associated with the subject property. In my opinion, I find that the proposed location is simply not appropriate for the size of the signs proposed, given its close proximity to the Light Rail Line, adjacent uses nearby, and the fact that the signs will be located just 630 feet from an already approved billboard sign.

The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

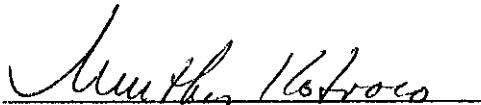
The proposed use will be detrimental to the health, safety, or general welfare of the locality, and will tend to create congestion in roads, streets, or alleys therein. It will be inconsistent with the purposes of the property's zoning classification, and inconsistent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the special exception and variance relief should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of May, 1997 that the Petition for Special Exception to permit the erection and maintenance of two (2) 14' x 48' outdoor advertising signs in a "V" configuration in a M.L.-I.M. zone, pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 413.3.A to permit two (2) outdoor advertising signs, configured at approximate right angles, with a total surface area of 672 sq.ft. per sign in lieu of the maximum permitted 300 sq.ft.; from Section 413.3.B to permit two outdoor advertising signs to front on, face, or be located within 2 feet of the right-of-way line on a controlled-access-type highway (Warren Road) in lieu of the required setback of 250 feet; and from Section 413.3.G to permit two outdoor advertising signs to be located approximately 630 feet in lieu of the required 1,000 feet from another approved, but yet unbuilt advertising sign located on the same side of the street for address purposes, but on an intersecting street for view and sight purposes, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

FMK:bjs

ORDER RECEIVED FOR FILING
Date 5/14/97
By [Signature]

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
FREDERICK L. MATUSKY, ET UX	*	COUNTY BOARD OF APPEALS
FOR SPECIAL EXCEPTION AND		
VARIANCES ON PROPERTY LOCATED	*	OF
ON THE WEST SIDE BEAVER DAM		
ROAD, 182' N OF THE C/L BEAVER*		BALTIMORE COUNTY
COURT (10604 BEAVER DAM ROAD)		
8TH ELECTION DISTRICT	*	CASE NO. 97-359-XA
4TH COUNCILMANIC DISTRICT		

* * * * *

ORDER OF DISMISSAL


This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated May 14, 1997 in which the Petition for Special Exception and Petition for Variances were DENIED.

WHEREAS, the Board is in receipt of a letter for dismissal of appeal filed by Anthony J. DiPaula, Esquire, on behalf of Frederick L. Matusky, Petitioner /Appellant, filed December 3, 1997 (a copy of which is attached hereto and made a part hereof); and

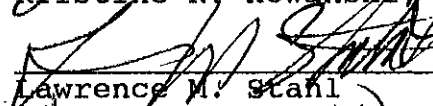
WHEREAS, said Counsel for Petitioner /Appellant requests that the appeal filed in this matter be withdrawn and dismissed as of December 3, 1997;

IT IS HEREBY ORDERED this 12th day of December, 1997 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.


COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Chairman



Lawrence M. Stahl



Margaret Worrall

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DIPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE
TOWSON, MD 21204

December 3, 1997

* ALSO ADMITTED TO D. C. BAR

HAND DELIVERY

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: Kristine K. Howanski, Chairperson

RE: IN THE MATTER OF FREDERICK L. MATUSKY, ET UX,
PETITIONERS W/S BEAVER DAM ROAD (10604 BEAVER DAM ROAD)
CASE NO.: 97-359-XA

Dear Ms. Howanski:

On behalf of the Petitioners, the Appellants herein, please withdraw the appeal filed in this matter and which is scheduled for a hearing on Thursday, December 4, 1997. In light of the adoption of the new Zoning Regulations relating to signs, this matter will have to be re-evaluated.

Very truly yours,



Anthony J. DiPaula

AJD/ds
12'ds.14

cc: Carol Demilio, Deputy People's Counsel (hand delivery)
Mr. and Mrs. Frederick L. Matusky

97 DEC -3 PM 12:45
COUNTY CLERK



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

December 12, 1997

Anthony J. DiPaula, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case No. 97-359-XA
Frederick L. Matusky, et ux

Dear Mr. DiPaula:

Enclosed please find a copy of the Order of Dismissal issued
this date by the County Board of Appeals of Baltimore County
in the subject matter.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco".

Kathleen C. Bianco
Administrator

encl.

cc: Edward C. Covahey, Jr., Esquire
Mr. and Mrs. Frederick L. Matusky
William P. Monk
Caren Shillman
Kathleen Beadell
Lou Miller
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 14, 1997

Edward C. Covahey, Jr., Esquire
Anthony J. DiPaula, Esquire
Covahey & Boozer
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION and VARIANCE
W/S Beaver Dam Road, 182'N of the c/l Beaver Court
(10604 Beaver Dam Road)
8th Election District - 4th Councilmanic District
Frederick L. Matusky, et ux - Petitioners
Case No. 97-359-XA

Dear Messrs. Covahey & DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Frederick L. Matusky
20800 Kenney Mill Road, Freeland, Md. 21053

Mr. William P. Monk, 222 Bosley Avenue, C-6, Towson, Md. 21204

Mr. Jeffrey Long, OP
Ms. Caren Shillman, Councilman McIntire's Office

People's Counsel; Case File

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
10604 Beaver Dam Road, W/S Beaver Dam Rd,	*	ZONING COMMISSIONER
182'+- N c/l Beaver Court		
8th Election District, 4th Councilmanic	*	OF BALTIMORE COUNTY
Frederick L. and Patricia A. Matusky	*	CASE NO. 97-359-XA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10604 Beaver Dam Road

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for the erection and maintenance of two (14' x 48') outdoor advertising signs in a "v" configuration (see plan) in a ML-IM zoning district, pursuant to Section 413.3 BCZR.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Edward C. Covahey, Jr.

(Type or Print Name)

Signature

Covahey & Boozer, P.A.

614 Bosley Avenue (410) 828-9441

Address Phone No

Towson, MD 21204

City State

Zipcode

Legal Owner(s):

Frederick L. Matusky

(Type or Print Name)

Signature

Patricia A. Matusky

(Type or Print Name)

Signature

20800 Keeney Mill Road

Address

Phone No

Freeland, MD 21053

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Edward C. Covahey, Jr.

Name

614 Bosley Ave. (410) 828-9441

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

Revised 9/5/95



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

10604 Beaver Dam Road

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.3A to allow 2 outdoor advertising signs, configured at approximate right angles, with a total surface area of 672 sq. ft. per sign in lieu of the permitted 300 sq. ft.; 413.3B to allow 2 outdoor advertising signs to front on, face, or be located within 2' of the right of way line on a controlled-access-type highway (Warren Road) in lieu (See Attached) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) The property is irregular in shape. The light rail line runs between the property and Warren Road and the property actually sits a substantial distance from Warren Road and a larger sign is necessary so that the travelling motorists can view same safely. Other reasons will be given at the hearing on this matter.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

Edward C. Covahey, Jr.

(Type or Print Name)

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Frederick L. Matusky

(Type or Print Name)

Signature

Patricia A. Matusky

(Type or Print Name)

Signature

20800 Keeney Mill Road

Address

Freeland, MD 21053

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Edward C. Covahey, Jr.

Name

614 Bosley Ave. (410) 828-9441

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

2/25/97

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

ORDER RECEIVED FOR FILING

Date

By

Attachment to Petition for Variance - 10604 Beaver Dam Road

of the required 250'; and 413.3G to allow 2 outdoor advertising signs to be located approximately 630' in lieu of the required 1,000' from another approved but yet unbuilt advertising sign located on the same side of the street for address purposes, but on an intersecting street for view and sight purposes.

ORDER RECEIVED FOR FILING

Date

By

A VARIANCE

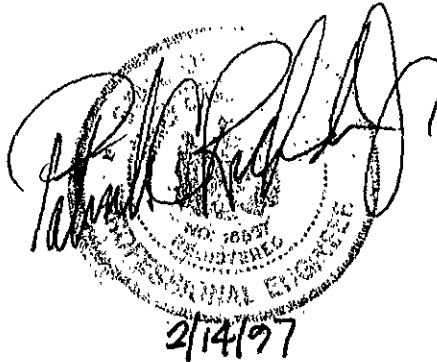
signs, configured at approximate right angles, with a total surface area of 672 sq. ft. per sign in lieu of the permitted 300 sq. ft.;
advertising signs to front on, face, or be located within 2' of the right of way line on a controlled-access-type highway (Warren Road) in lieu of the required 250'; and
signs to be located approximately 630' in lieu of the required 1,000' from another approved but yet unbuilt advertising sign located on the same side of the street for address purposes, but on an intersecting street for view and sight purposes.

A SPECIAL EXCEPTION FOR the erection and maintenance of two (14' x 48') outdoor advertising signs in a "V" configuration (see plan) in a M.-IM zoning district,

**ZONING DESCRIPTION
MATUSKY INVESTMENT COMPANY
10604 BEAVER DAM ROAD
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
(SIGN EASEMENT AREA)**

BEGINNING FOR THE SAME at a point South 53 degrees 28 minutes 51 seconds West 286.72 feet from the western side of Beaver Dam Road and 182 feet , more or less, north of the centerline of Beaver Court; thence running the three following courses and distances: (1) North 53 degrees 28 minutes 51 seconds West 102.50 feet, (2) South 26 degrees 44 minutes 03 seconds east 80.33 feet, (3) North 84 degrees 49 minutes 07 seconds East 119.00 feet, to the place of beginning.

Containing 4057 square feet or 0.0931 acres of land, more or less.

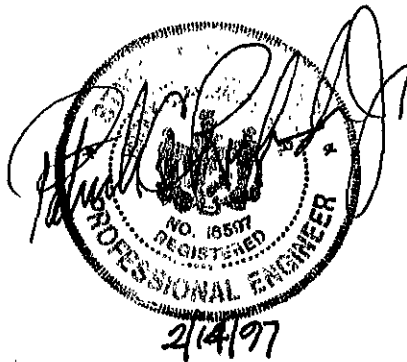


2/14/97

**ZONING DESCRIPTION
MATUSKY INVESTMENT COMPANY
10604 BEAVER DAM ROAD
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME on the westernmost side of Beaver Dam Road 182 feet, more or less, north of the center line of Beaver Court; thence binding on the west side of Beaver Dam Road the eight following courses and distances: (1) by a curve to the right with a radius of 2,823.79 feet a length of 13.58 feet on a cord with a bearing of South 36 degrees 00 minutes 04 seconds East 13.58 feet, (2) South 04 degrees 09 minutes 01 seconds East 5.81 feet, (3) South 34 degrees 49 minutes 30 seconds East 97.56, (4) North 55 degrees 15 minutes 53 seconds East 2.96 feet, (5) by a curve to the right with a radius of 2,823.79 feet a length of 100.85 feet on a cord with a bearing of South 32 degrees 45 minutes 33 seconds East 100.84 feet, (6) South 01 degrees 19 minutes 42 seconds West 22.47 feet, (7) North 84 degrees 49 minutes 07 seconds West 352.46, (8) North 53 degrees 28 minutes 51 seconds East 286.72 feet, to the place of beginning.

Containing 0.803 acres of land, more or less.



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #97-359-XA
10604 Beaver Dam Road
W/S Beaver Dam Road, 182'
+/- N of Beaver Court
8th Election District
4th Councilmanic
Legal Owner(s):

Frederick L. Matusky and
Patricia A. Matusky

Special Exception: for the erection and maintenance of two (14 feet x 48 feet) outdoor advertising signs in a "V" configuration. **Variance:** to allow 2 outdoor advertising signs with a total area of 672 square feet per sign in lieu of the permitted 300 square feet; to allow signs with 2 feet of the right of way (Warren Road) in lieu of the required 250 feet and to allow 2 outdoor advertising signs approximately 630 feet in lieu of the required 1,000 feet from another advertising sign.

Hearing: Thursday, April 3,
1997 at 10:00 a.m. in Rm.
118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) For information concerning
the File and/or Hearing,
Please Call 887-3391.

3/163 March 13 C126330

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/13, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

DISTRIBUTION
WHITE - CASHIER

813

FOR:

Appeal # 97-359-X1

RECEIVED
FROM:

Edward C. Covehey, Jr.

AMOUNT \$

461.00

ACCOUNT

R-001-6150

DATE

6/5/97

BALTIMORE COUNTY MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

038238

PAID RECEIPT

06/05/97 01 4 CML R 14380
Dept 5 525 MISCELLANEOUS CASH
CR NO. 038238
\$460.00 DT P-A-I-D
Baltimore County Maryland
Office of Budget & Finance

CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

DISTRIBUTION
WHITE - CASHIER

843

FOR:

Appeal # 97-359-XA

RECEIVED
FROM:

Edward C. Covehey, Jr.

AMOUNT \$

461.00

ACCOUNT

R-001-6150

DATE

6/5/97

BALTIMORE COUNTY MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

038238

PAID RECEIPT

06/05/97 01 4 CML R 14380
Dept 5 525 MISCELLANEOUS CASH
CR NO. 038238
\$460.00 DT P-A-I-D
Baltimore County Maryland
Office of Budget & Finance

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 032043

#359 JLL

DATE 2/26/97 ACCOUNT R0016150

AMOUNT \$ 550.00

RECEIVED FROM: COWNEY & BOOZER

FOR: SPX + VAR FILING TOTAL \$550.00
\$300.00 \$250.00

03071W0045MTCRC \$550.00
BA 6010:49AMD2-25-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-359 XA

Petitioner/Developer: F.L. MATUSKY, ETAL
F-823-7530

40 A. J. DI PAULA, ESQ

Date of Hearing/Closing: 4/3/97

@ 10:00 AM

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #10604 BEAVER DAM ROAD
AT WARREN ROAD

The sign(s) were posted on 3/15/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/18/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

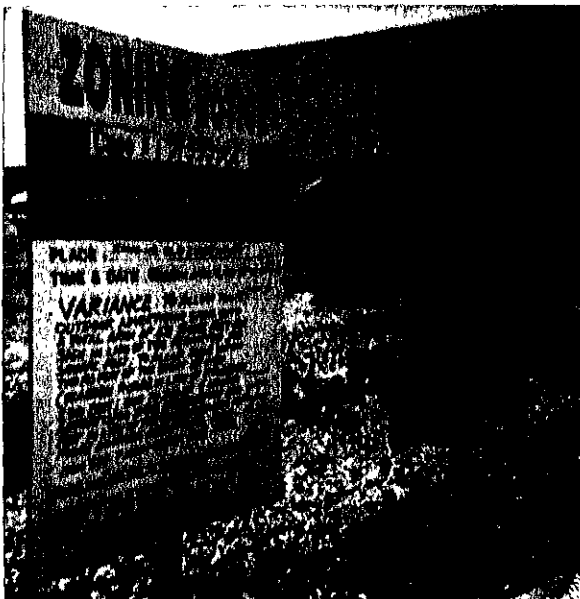
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Pager (410) 646-8354



97-359-XA
BEAVER DAM ROAD
@ WARREN
3/15/97

CERTIFICATE OF POSTING

2 of 2

RE: Case No.: 97-359XA

Petitioner/Developer: F.L. MATUSKY, ETAL
FAX- 823-7530
c/o A. J. DI PAULA, ESQ

Date of Hearing/Closing: 4/3/97
THURS. @ 10:00 AM
RM. 118 OLD COURTHOUSE

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #10604 BEAVER DAM ROAD
AT WARREN ROAD (FLOTRON)

The sign(s) were posted on 3/15/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/18/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

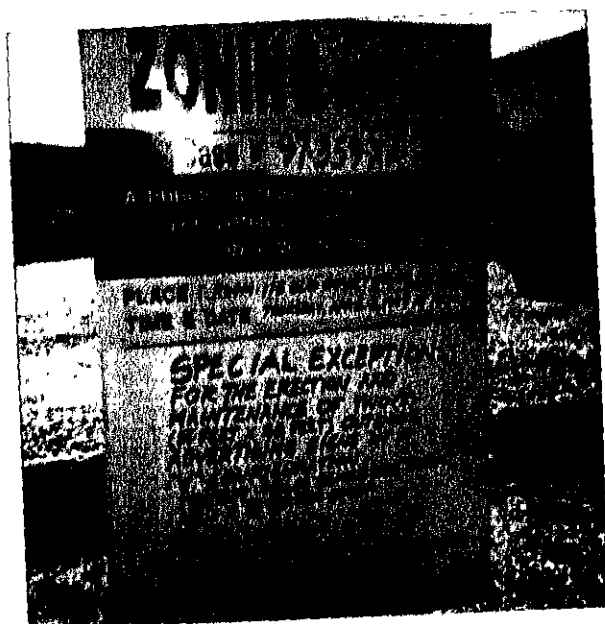
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Pager (410) 646-8354



97-359XA

(P) 3/15/97

CERTIFICATE OF POSTING

RE: Case No.: 97-359-XA

Petitioner/Developer: _____

FREDERICK L. MATUSKY

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 10604 BEAVER
DAM RD. (FRONT OF SITE)

The sign(s) were posted on _____

6/27/97 ✓
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster and Date)

GARY FREUND

(Printed Name)

(Address)

(City, State, Zip Code)

X 3352

(Telephone Number)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 3/9/97.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-359-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SIGN POSTER SEE ATTACHED

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 359.

Petitioner: FRED METUSKY INVESTMENT CO.

Location: 10604 BEAVER DAM ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: FRED METUSKY

ADDRESS: P.O. Box 130

HUNT VALLEY, MD 21030

PHONE NUMBER: 410-527-0060

AJ:ggs

(Revised 09/24/96)

TO: PUTUXENT PUBLISHING COMPANY
March 13, 1997 Issue - Jeffersonian

Please forward billing to:

Fred Matusky
P. O. Box 130
Hunt Valley, MD 21030
527-0060

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-359-XA
10604 Beaver Dam Road
W/S Beaver Dam Road, 182'+- N c/l Beaver Cour
8th Election District - 4th Councilmanic
Legal Owner(s): Frederick L. Matusky and Patricia A. Matusky

Special Exception for the erection and maintenance of two (14 feet x 48 feet) outdoor advertising signs in a "Y" configuration.

Variance to allow 2 outdoor advertising signs with a total area of 672 square feet per sign in lieu of the permitted 300 square feet; to allow signs with 2 feet of the right of way (Warren Road) in lieu of the required 250 feet; and to allow 2 outdoor advertising signs approximately 630 feet in lieu of the required 1,000 feet from another advertising sign.

HEARING: THURSDAY, APRIL 3, 1997 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-359-XA
10604 Beaver Dam Road
W/S Beaver Dam Road, 182'± N c/l Beaver Cour
8th Election District - 4th Councilmanic
Legal Owner(s): Frederick L. Matusky and Patricia A. Matusky

Special Exception for the erection and maintenance of two (14 feet x 48 feet) outdoor advertising signs in a "V" configuration.

Variance to allow 2 outdoor advertising signs with a total area of 672 square feet per sign in lieu of the permitted 300 square feet; to allow signs with 2 feet of the right of way (Warren Road) in lieu of the required 250 feet; and to allow 2 outdoor advertising signs approximately 630 feet in lieu of the required 1,000 feet from another advertising sign.

HEARING: THURSDAY, APRIL 3, 1997 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Frederick L. and Patricia A. Matusky
Edward C. Covahey, Jr., Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 19, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



97-1150

COVAHEY & BOOZER. P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DIPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE
TOWSON, MD 21204

March 14, 1997

* ALSO ADMITTED TO D. C. BAR

Arnold Jablon, Director
Baltimore County
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 97-359-XA
10604 Beaver Dam Road
Legal Owner: Frederick L. and Patricia A. Matusky

Dear Mr. Jablon:

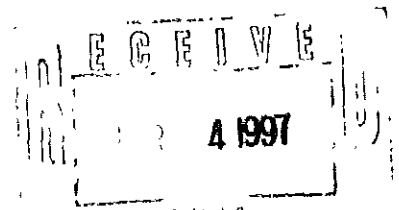
Please postpone the hearing in the above-captioned matter from April 3, 1997 at 10:00 a.m. in that undersigned counsel has the case of Schreiber v. Schreiber, Case No. 03-C-96-7264, specially set for the Circuit Court for Baltimore County the same morning. It is respectfully requested that the matter be rescheduled and that I be contacted with respect to the new hearing date.

Thank you for your kind consideration in this matter.

Very truly yours,

Edward C. Covahey, Jr.

ECC, Jr./ldr
14ldr.09





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 26, 1997

NOTICE OF REASSIGNMENT

Rescheduled from 4/3/97

CASE NUMBER: 97-359-XA

10604 Beaver Dam Road

W/S Beaver Dam Road, 182'+- N c/l Beaver Court

8th Election District - 4th Councilmanic

Legal Owner(s): Frederick L. Matusky and Patricia A. Matusky

Special Exception for the erection and maintenance of two (14 feet x 48 feet) outdoor advertising signs in a "V" configuration.
Variance to allow 2 outdoor advertising signs with a total area of 672 square feet per sign in lieu of the permitted 300 square feet; to allow signs with 2 feet of the right of way (Warren Road) in lieu of the required 250 feet; and to allow 2 outdoor advertising signs approximately 630 feet in lieu of the required 1,000 feet from another advertising sign.

HEARING: THURSDAY, MAY 22, 1997 at 9:00 a.m., 4th floor hearing room
Courts Building, 401 Bosley Avenue.

ARNOLD JABLON
DIRECTOR

cc: Frederick Matusky, et ux
Edward Covahey, Esq.

*Postponement Request 2/11/97
will give decision on 4/3/97*





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 26, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-359-XA

IN THE MATTER OF: FREDERICK L. MATUSKY, ET UX -
Petitioners W/s Beaver Dam Road (10604 Beaver Dam
Road) 8th E; 4th C

(Petitions for Special Exception and Variance
DENIED by D.Z.C.)

ASSIGNED FOR: THURSDAY, DECEMBER 4, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient
reasons; said requests must be in writing and in compliance with
Rule 2(b) of the Board's Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance
with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellants /Petitioners : Edward C. Covahey, Jr., Esquire
Appellants /Petitioners : Mr. & Mrs. Frederick L. Matusky

William P. Monk

Kathleen Beadell /Greater Timonium Community Council
Lou Miller
Jeffrey Long
Caren Shillman

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 26, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-359-XA

IN THE MATTER OF: FREDERICK L. MATUSKY, ET UX -
Petitioners W/s Beaver Dam Road (10604 Beaver Dam
Road) 8th E; 4th C

(Petitions for Special Exception and Variance
DENIED by D.Z.C.)

ASSIGNED FOR: THURSDAY, DECEMBER 4, 1997 at 10:00 a.m.

NOTICE:

w/d by Appellants to
This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

12/03/97
IMPORTANT: No postponements will be granted without sufficient
reasons; said requests must be in writing and in compliance with
Rule 2(b) of the Board's Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance
with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellants /Petitioners : Edward C. Covahey, Jr., Esquire
Appellants /Petitioners : Mr. & Mrs. Frederick L. Matusky

William P. Monk

Kathleen Beadell /Greater Timonium Community Council
Lou Miller
Jeffrey Long
Caren Shillman

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 27, 1997

Edward C. Covahey, Jr., Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Item No.: 359
Case No.: 97-359-XA
Petitioner: Frederick Matusky, et ux

Dear Mr. Covahey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 25, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular stamp. The stamp contains the text "W. Carl Richards, Jr." and "Zoning Supervisor".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 3.11.97
Item No. 359 JLL

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/13/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 14, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 353 367
356
358
(359)
360
361
362
363
364
365

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

March 12, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING of March 10, 1997.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, & 367



Joe Meyer

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 17, 1997

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 17, 1997
Item Nos. 357, 359, and 361

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management

DATE: March 25, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 10604 Beaver Dam Road

INFORMATION:

Item Number: 359

Petitioner: Matusky Property

Property Size:

Zoning: ML-IM

Requested Action: Variance and Special Exception

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special exception for the erection and maintenance of two (14' by 48') outdoor advertising signs in a "v" configuration in a ML-IM zone pursuant to Section 413.3 of the Baltimore County Zoning Regulations (BCZR). In addition, the applicant requests a variance to allow 2 outdoor advertising signs, configured at approximate right angles, with a total surface area of 672 sq. ft. per sign in lieu of the permitted 300 sq. ft.; 413.3B to allow 2 outdoor advertising signs to front on, face, or be located within 2' of the right of way line on a controlled-access-type highway (Warren Road) in lieu of the required 250'; and 413.3G to allow 2 outdoor advertising signs to be located approximately 630' in lieu of the required 1,000' from another, approved yet unbuilt advertising sign located on the same side of the street for address purposes, but on an intersecting street for view and sight purposes.

Section 413.3 A of the BCZR limits outdoor advertising signs to 300 square feet; Section 413.3 B states that "No such sign shall be permitted to front on, face or be located within 250 feet of the right-of-way of any expressway or other controlled-access-type highway ..." and Section 413.3 G requires that outdoor advertising signs be at least 1000 feet apart on the same side of the street or highway.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Keller, III, Director, PO

These regulations were meant to guide the erection of signs in an orderly manner subject to reasonable restrictions. The fact that relief is required from three of these standards clearly indicates that the subject property is not suitable for the proposed signs. Moreover, such radical deviation from these standards appears to take on the characteristics of a use variance, as opposed to the relief sometimes requested for height and area requirements.

The subject property is located within the confines of the Hunt Valley/Timonium Redevelopment Study area, which was adopted by the Baltimore County Planning Board on April 15, 1993. As the study indicates, design quality controls can help assure that the Hunt Valley/Timonium area continues to provide an attractive, desirable environment in which to work, live and shop, and to help maintain its important status in the County as a major economic development area. The County has recently been very successful in terms of encouraging corporations to locate in the Hunt Valley area, and it is equally important to retain other major employers. These economic opportunities are important to the County's tax base. Therefore, it is abundantly clear that every effort must be maintained to preserve and improve the image of the Hunt Valley/Timonium area. For this reason, we strongly recommend that the applicant's request be denied at this high profile site within the Hunt Valley/Timonium area.

The Office of Planning has prepared several renderings which reveal how the signs would appear from the central light rail line and from Warren Road (see attached).

Prepared by:

Jeffrey W. Long

Division Chief:

Caryl L. Kerns

AFK/JL:lsn



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 9, 1997

Ms. Kathleen Beadell
Greater Timonium Community Council, Inc.
P. O. Box 276
9B Ridgely Road
Timonium, MD 21093

RE: Petitions for Special
Exception and Variance
W/S Beaver Dam Road, 182'
N of the c/l Beaver Court
(10604 Beaver Dam Road)
8th Election District
4th Councilmanic District
Frederick L. Matusky, et
ux - Petitioner
Case No. 97-359-XA

Dear Ms. Beadell:

Please be advised that an appeal of the above-referenced case was filed in this office on June 2, 1997 by Edward C. Covahey, Jr., Esquire on behalf of Frederick Matusky, et ux. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director

AJ:rye

c: Mr. Jeffrey Long
Ms. Caren Shillman
People's Counsel



APPEAL

Petitions for Special Exception and Variance
W/S Beaver Dam Road, 182' N of the c/l Beaver Court
(10604 Beaver Dam Road)
8th Election District - 4th Councilmanic District
Frederick L. Matusky, et ux - Petitioners
Case No. 97-359-XA

Petitions for Special Exception and Variance

Descriptions of Property

Certificates of Posting

Certificate of Publication

Zoning Advisory Committee Comments

Petitioner's Sign-In Sheet

Petitioner's Exhibits:

- 1 - Plan to Accompany Special Exception and Variance
- 2 - Baltimore County Office of Planning and Zoning Official Zoning Map
- 3 - No Exhibit Found
- 4A-4D - Six Photographs
- 5 - Plan Showing Extension of Warren Road
- 6 - One Photograph

Three Views of the Proposed Outdoor Advertising Signs

Letter from Kathleen Beadell to Arnold Jablon dated May 21, 1997

Deputy Zoning Commissioner's Order dated May 14, 1997 (Denied)

Notice of Appeal received on June 2, 1997 from Edward C. Covahey, Jr., Esquire on behalf of Frederick L. Matusky, et ux

c: Edward C. Covahey, Jr., Esquire, and Anthony J. DiPaula, Esquire,
Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204
Mr. and Mrs. Frederick L. Matusky, 20800 Kenney Mill Road,
Freeland, MD 21053
Mr. William P. Monk, 222 Bosley Avenue, C-6, Towson, MD 21204
Mr. Jeffrey Long, OP
Ms. Caren Shillman, Councilman McIntire's Office
People's Counsel of Baltimore County, M.S. 2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 97-359-XA

SE -to erect and maintain two 14' x 48' outdoor advertising signs in "V" configuration;
VAR - /signs, size, location, etc.

5/14/97-Deputy Zoning Commissioner's Order in which Petitions for Special Exception and Variances were DENIED.

7/21/97 -Letter from Anthony J. DiPaula, Counsel for Mr. and Mrs. Matusky, requesting an early hearing date due to pending legislation; also, in the event an early date is impossible, advising of conflict dates in November; viz, November 5, 6 and 7; also, November 14th through November 21st.

7/22/97 -Letter to A. DiPaula; advising that, at this time, there are no earlier dates available on the Board's docket which is fully scheduled. Also, that the file has been noted relative to the dates on which he has conflicts. Further, that should an earlier date come available attempts will be made to utilize it if possible.

9/26/97 -Notice of Assignment for hearing scheduled for Thursday, December 4, 1997 at 10:00 a.m. sent to the following:

Edward C. Covahey, Jr., Esquire

Mr. & Mrs. Frederick L. Matusky

William P. Monk

Kathleen Beadell /Greater Timonium Community Council

Lou Miller

Jeffrey Long

Caren Shillman

People's Counsel for Baltimore County

Pat Keller

Lawrence E. Schmidt

Arnold Jablon, Director /PDM

Virginia W. Barnhart, Co Atty

12/03/97 -Letter of withdrawal of appeal filed by Tony DiPaula on behalf of Appellants /Petitioners. Order of Dismissal to be issued by the Board.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

July 22, 1997

Anthony J. DiPaula, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case No. 97-359-XA
Frederick L. Matusky, et ux -Petitioners


Dear Tony:

In response to your letter of July 17th, there are currently no open dates prior to November for which the subject matter could be scheduled. However, should a date become available due to postponement or dismissal, consideration will be given to your request and the date utilized, if at all possible.

Further, I have noted the file relative to the dates indicated in your letter as schedule conflicts. These dates will be avoided when this matter is scheduled for hearing.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,


Kathleen C. Bianco
Administrator

cc: Peter Max Zimmerman
People's Counsel for Baltimore County
Mr. and Mrs. Frederick Matusky



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 21, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe (✓)
County Board of Appeals

SUBJECT: Closed File:
97-359-XA /Frederick L. Matusky, et ux

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated December 12, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-359-XA)

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

AREA CODE 410

828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.

F VERNON BOOZER *

MARK S. DEVAN

ANTHONY J. DIPALA *

THOMAS P. DORE

ROGER J. SULLIVAN

ANNEX OFFICE

SUITE 302

606 BALTIMORE AVE

TOWSON, MD 21204

July 17, 1997

* ALSO ADMITTED TO D. C. BAR

County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: Kathleen C. Bianco, Administrator

RE: ZONING CASE NO. 97-359-XA
APPEAL BY FREDERICK L. MATUSKY, ET UX, PETITIONERS
PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE W/S
BEAVER DAM ROAD (10604 BEAVER DAM ROAD)

Dear Kathy:

I am advised by Charlotte that the hearing on the above referenced will not be scheduled until sometime in November. The purpose of this letter is twofold.

First, if it is at all possible, we would request a much earlier hearing date in that this case involves a request for an outdoor advertising sign, and there is or will be in the immediate future legislation pending before the County Council to curtail all future billboard signs. If that legislation is passed, the efficacy and usefulness of these requests, if granted, will be severely hampered. The new legislation proposes that there be a cap on such signs, so no new signs can be erected unless some other sign is removed. If the matter can be heard and decided before such legislation is acted upon, it will not be subject to the new proposed cap. This is of utmost importance to the Petitioners.

The second purpose of this letter is to advise you of some pre-existing scheduling conflicts if we must deal with November dates and this request for an earlier hearing is denied. One of our expert witnesses, Mr. Monk, is not available November 5, 6 and 7. The undersigned will be unavailable from Friday, November 14 through the following week due to a prepaid and prearranged trip to Orlando, Florida.

RECEIVED
COUNTY BOARD OF APPEALS
97 JUL 21 PM 2:41

County Board of Appeals
July 17, 1997
Page 2

The Board's indulgence and consideration in expediting the hearing in this matter would be greatly appreciated.

Very truly yours,



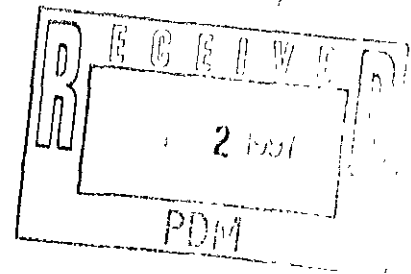
Anthony J. DiPaula

AJD/ds
7`ds.106

cc: Mr. and Mrs. Frederick Matusky

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441



ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

FAX 410-823-7530

May 30, 1997

* ALSO ADMITTED TO D. C. BAR

HAND DELIVERY

Arnold Jablon, Director
Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: **CASE NO. 97-359-XA**
10604 BEAVER DAM ROAD
PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE

Dear Mr. Jablon:

On behalf of the Petitioners, Frederick L. Matusky and Patricia A. Matusky, please note an appeal to the County Board of Appeals from the denial of the special exception and variances requested in the above referenced case. Enclosed is a check in the amount of \$460.00 to cover the costs. Should you require anything additional, please contact my office.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Edward C. Covahey, Jr.".

Edward C. Covahey, Jr.

ECC,Jr./ds
5`ds.159
enclosures

cc: Mr. and Mrs. Frederick L. Matusky
Mr. William Monk
People's Counsel

97-2464

GREATER TIMONIUM COMMUNITY COUNCIL, INC.

Box 276, 9B Ridgely Road, Timonium, Md. 21093

May 21, 1997

Mr. Arnold Jablon, Director
Baltimore County Department of Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

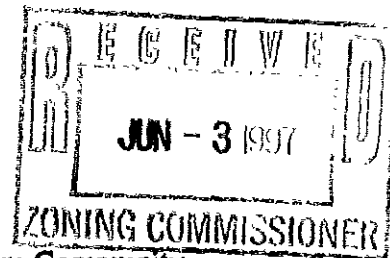
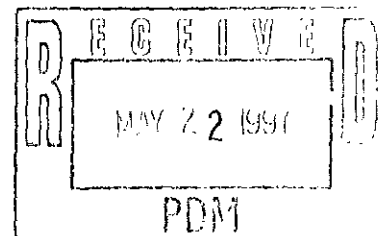
Please be advised that the membership of the Greater Timonium Community Council, Inc., at its general meeting on May 14th, 1997, unanimously voted its opposition to the variance request for signage on Case # 97-359-XA. In addition, the membership of the Greater Timonium Community Council, Inc., unanimously voted its opposition to any and all variances related to billboards within the vicinity of the light rail line.

Sincerely,



Kathleen Beadell, President

5/21/97
8
TO 68
for file



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

FREDERICK L. MATUSKY

20800 KEENEY MILL RD. FREELAND, MD. 21053

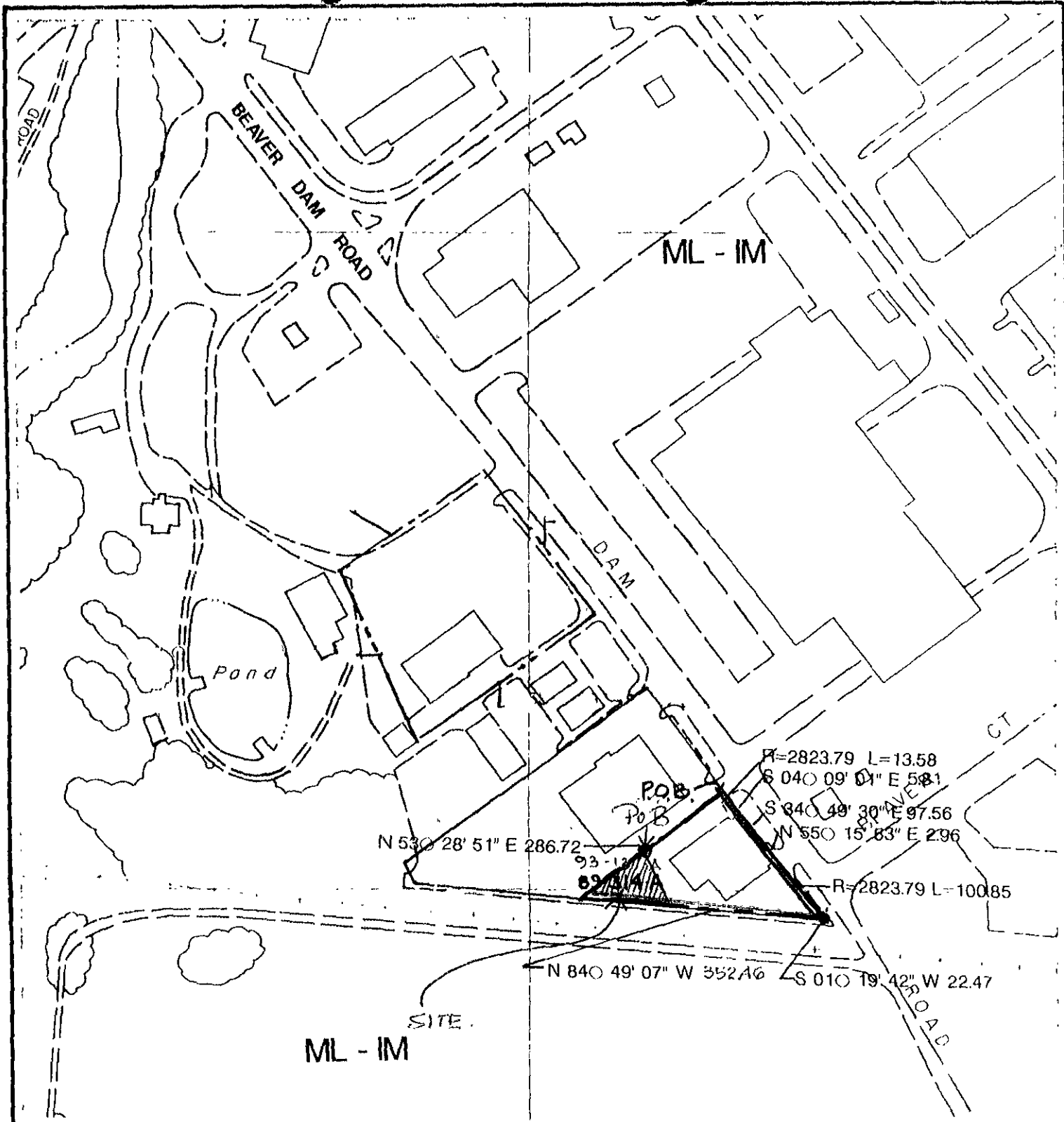
BILL MONK

222 BOSLEY AVE SUITE C-6
TOWSON, MD 21204

ANTHONY J. DIPINA, ESQ.

614 BOSLEY AVE - TOWSON 21204





WILLIAM MONK, INC.

PLANNING / SITE DESIGN, ZONING, DEVELOPMENT SERVICES

COURTHOUSE COMMONS
SUITE C-6

222 BOSLEY AVENUE
TOWSON, MARYLAND 21204

ZONING MAP

TO ACCOMPANY
SPECIAL EXCEPTION AND
VARIANCE APPLICATION

10604 BEAVER DAM ROAD
BALTIMORE COUNTY, MARYLAND

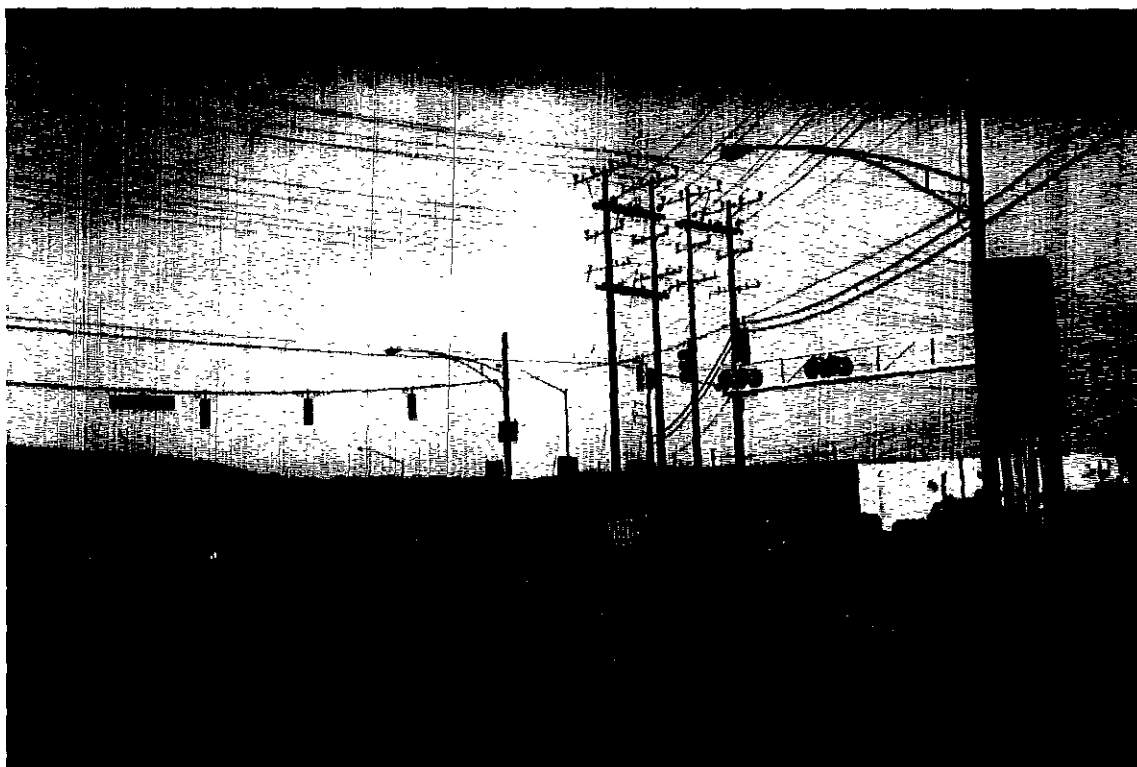
NW 17-B 1" = 200'



**VIEW FROM WARREN ROAD LOOKING NORTHEAST
TOWARDS PROPOSED BILLBOARD LOCATION**



4A



**VIEW FROM WARREN ROAD AT
BEAVER DAM ROAD INTERSECTION LOOKING WEST**

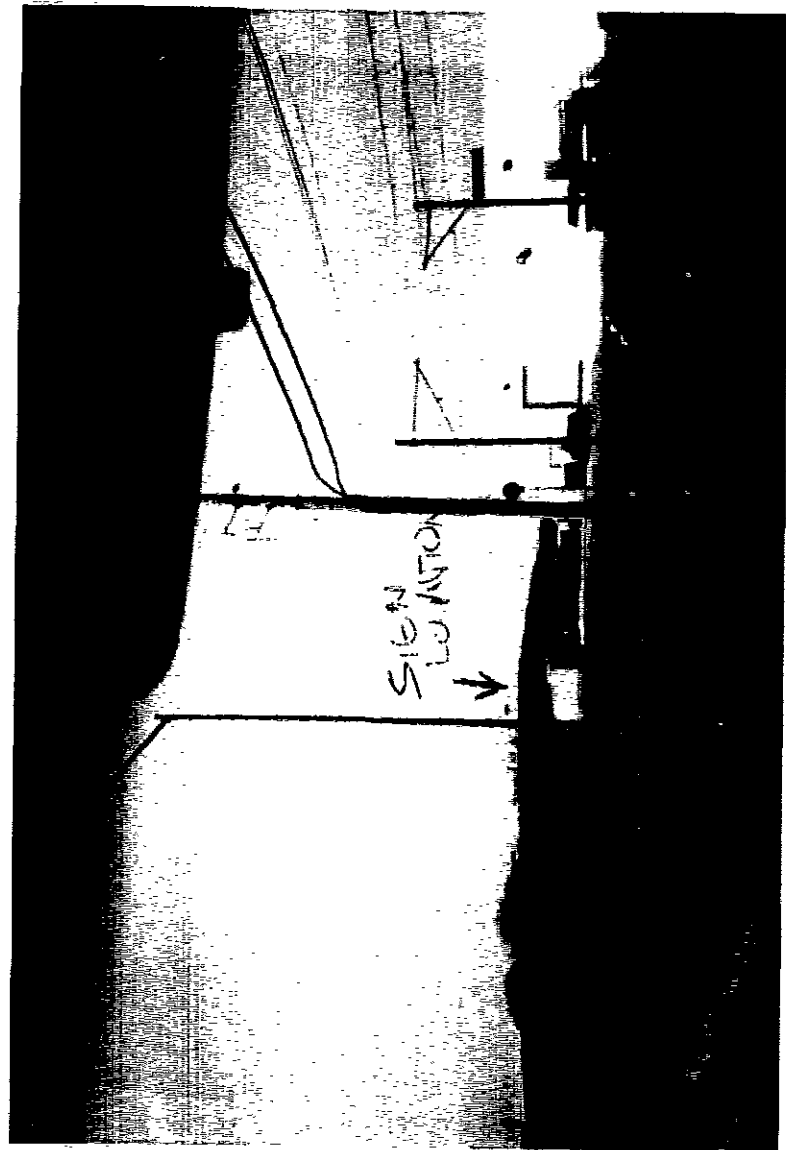


4B

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE C-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9900

**VIEW FROM BILLBOARD LOCATION LOOKING
WEST TOWARDS WARREN ROAD**





COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410

828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD. 21204

May 30, 1997

* ALSO ADMITTED TO D. C. BAR

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN

ANTHONY J. DIPALMA

THOMAS P. DORE

ROGER J. SULLIVAN

HAND DELIVERY

Arnold Jablon, Director
Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NO. 97-359-XA

10604 BEAVER DAM ROAD

PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE

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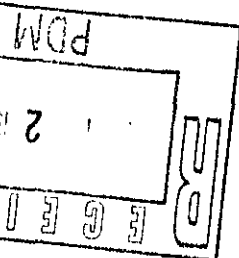
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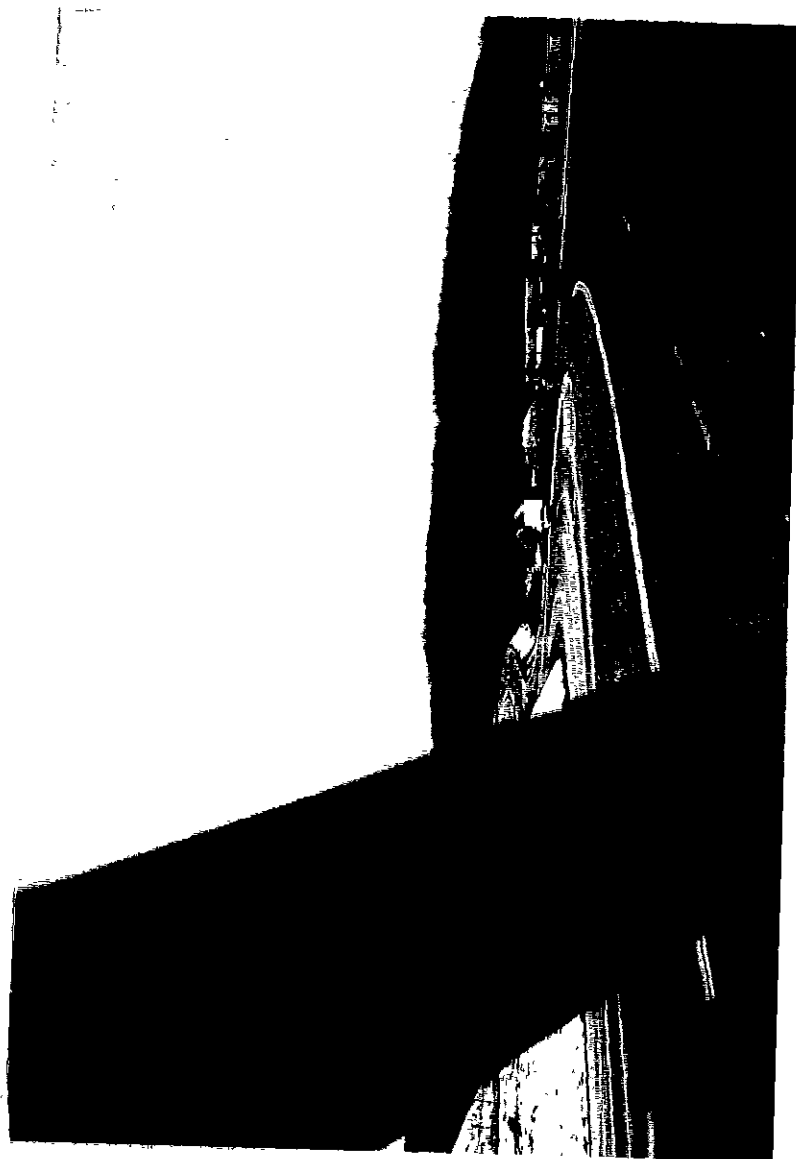
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Edward C. Covahay, Jr.

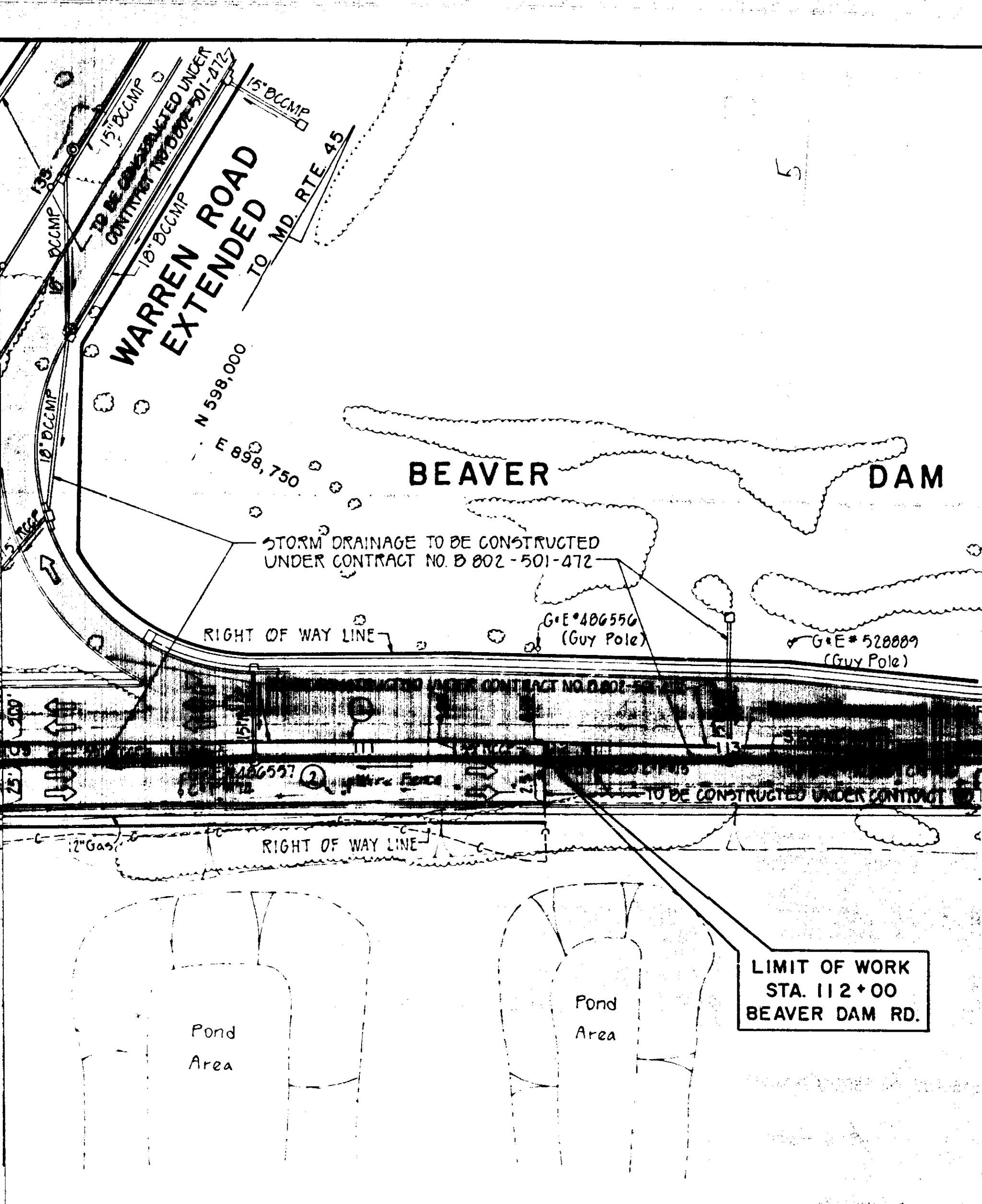
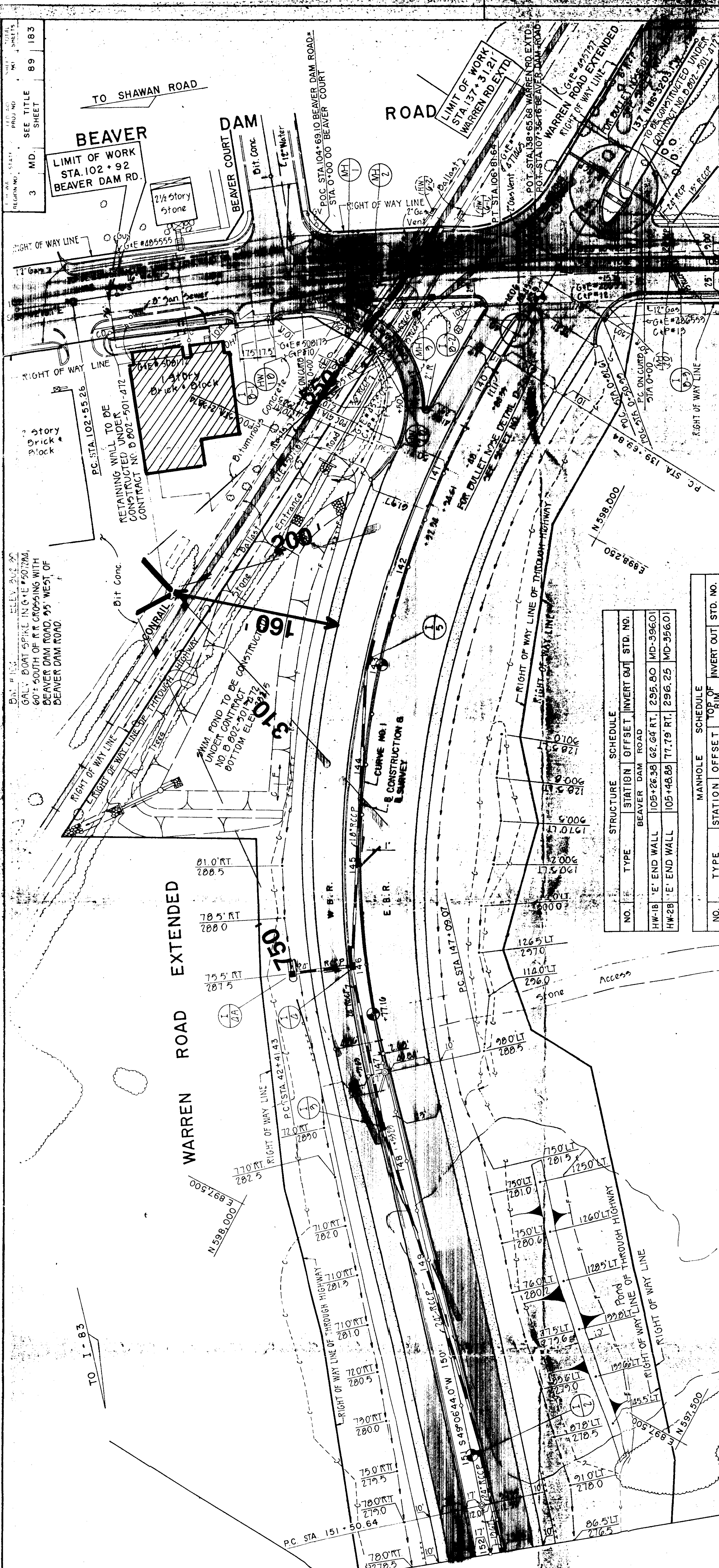
ECC, Jr./ds
5 ds. 159
enclosures

cc: Mr. and Mrs. Frederick L. Matusky
Mr. William Monk
People's Counsel





3 MD. SEE TITLE SHEET 89 183



CROSS REFERENCE	
ITEM	SHEET NO
TYPICAL SECTIONS	
DRAINAGE PLAN & PROFILES	
ROADWAY PROFILES	
MAINTENANCE OF TRAFFIC	
EROSION & SEDIMENT CONTROL	
SIGNING & MARKING PLANS	
STORMWATER MANAGEMENT	

MANHOLE SCHEDULE	
NO.	TYPE
1	STRUCTURE
2	STATION
3	OFFSET
4	INVERT
5	OUT
6	STD. NO.

REVISIONS	
NO.	DESCRIPTION
1	AS SHOWN

APPROVALS	
APPROVED	DATE
Paul M. ...	6-12-90

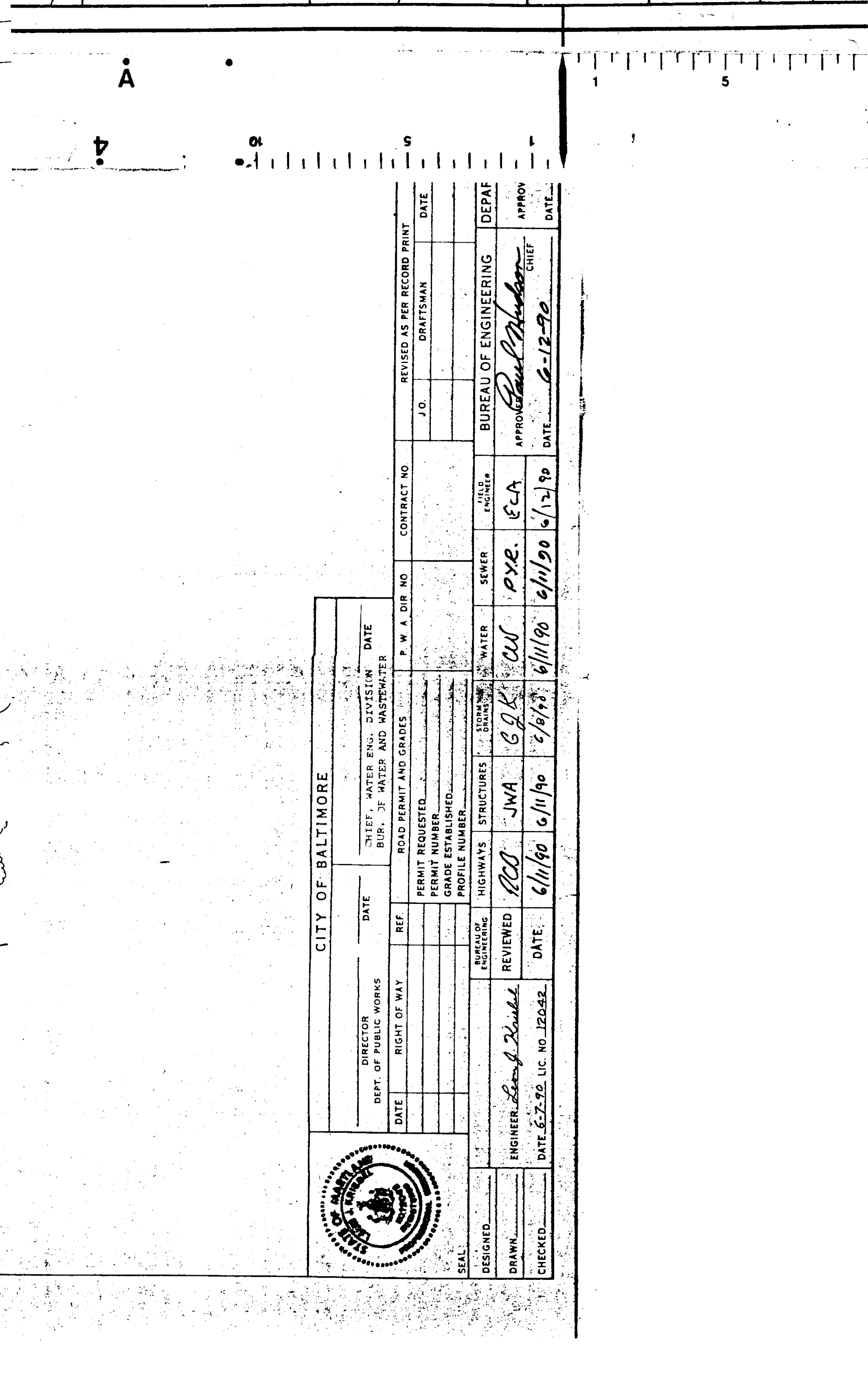
CITY OF BALTIMORE	
DIRECTOR	DATE
...	...

DESIGNED	
DATE	BY
6-11-90	...

CHECKED	
DATE	BY
6-11-90	...

REVIEWED	
DATE	BY
6-11-90	...

APPROVED	
DATE	BY
6-12-90	...



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

TEXAS

16-B

LOCATION

DATE
OF
PHOTOGRAPHY
JANUARY
1986



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

MICROFILMED

